

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARGARET ANDERSON, as Personal Representative of the Estate of DERRICK BURROUGHS, Deceased,

Case No. _____

Hon. _____

Plaintiff,

v

KALAMAZOO COUNTY and CMH, A Political Subdivision, DEPUTY JAMES MILLER, SGT.
JAMES DELABARRE, AKI NEARCHO, Jail Clinician,
In Their Official and Individual Capacities, and

Defendants.

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NOTICE OF REMOVAL OF ACTION

NOW COMES Defendant, James Miller, by the undersigned attorney and in support of his Notice of Removal of Action, hereby states as follows:

1. That Defendant James Miller, by his Counsel, has waived the service of a summons, by filing with this Court a Waiver under FR Civ P 4, along with this Notice of Removal and other applicable documents, the Waiver being dated March 8, 2013.
2. On information and belief, all other Defendants will likewise file Waivers of the Service of Summons with this Court upon filing of this Removal of Action and the assignment of a case number.
3. That said Complaint and Jury Demand filed in the Kalamazoo County Circuit Court alleges in part, as Counts I-III, that the Plaintiff was deprived of its constitutional rights in violation of 42 USC § 1983.
4. That the allegations in the Plaintiff's Complaint, involving claims arising under the Constitution and laws of these United States, are within the original jurisdiction of this United States District Court.
5. That all Defendants in this matter who have been named in the Complaint are represented by legal counsel, as indicated in the Caption to this Notice of Removal. The undersigned counsel has had personal contact with each of the other defense attorneys and confirmed that they do consent to removal of this action from the Kalamazoo County Circuit Court to Federal Court.
6. That pursuant to 28 USC Sections 1331 and 1441, removal of this action from State Circuit Court to the United States District is proper.
7. Supplemental jurisdiction is appropriate pursuant to 28 USC 1337.

WHEREFORE, Defendant prays that this Honorable Court grant this Notice for Removal of Action.

Respectfully submitted,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.

/s/ James L. Dyer
By: James L. Dyer (P32544)
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Dated: March 12, 2013